

REMARKS

The Applicants have carefully studied the Office Action dated May 1, 2007. By this amendment, claims 1, 5, 8, 12, 14, 15, 18 and 20 are amended. No new claims are added. Claims 1-20 remain pending after this amendment. Reconsideration and allowance of the pending claims in view of the amendments and the following remarks are respectfully requested.

Claim Amendments

Claims 1, 5, 8, 12, 14, 15, 18 and 20 were narrowed to include several additional limitations. These changes find support in the specification, including, for example, in paragraph [0014].

Claim Objections

Reconsideration of the objections to claims 5, 12 and 18 is respectfully requested in view of the amendments to claims 2, 12 and 18. In claims 5, 12 and 18, the phrase “... for evaluation by said build computer” has been changed to “... for evaluation by said build computer system”.

Claim Rejections - 35 U.S.C. §102

Reconsideration of the rejection of claims 7-12 and 19 under 35 U.S.C. §102(e) as being anticipated by Phillips (U.S. Patent Publication No. 2002/0091805 A1) is respectfully requested in view of the amendments to claims 1, 5, 8, 12, 14, 15, 18 and 20, and for the following reasons.

Claims 1, 8 and 15 have been amended to now include limitations that are not disclosed by Phillips. Phillips fails to disclose all the steps of amended claims 1, 8 and 15. For example, Phillips fails to disclose the following steps of amended claim 1, to wit:

a build computer system creating a clone image of a program, **the program including driver software, the clone image lacking the driver software;**

“the build computer system downloading the clone image of the program to a target computer system, in order to begin a build of the program on the target computer system;

* * *

the build computer system completing the build of the program on the target computer system, **such that the program includes driver software.”**

Claims 5, 12 and 18 have been amended to now include limitations that are not disclosed by Phillips. Phillips fails to disclose all the steps of amended claims 5, 12 and 18. For example, Phillips fails to disclose the following steps of amended claim 5, to wit:

“creating a clone image of a computer system program, **the computer system program including driver software, the clone image lacking the driver software;**

loading the clone image into a target computer system;

loading into the target computer system a clone install program;

* * *

building, on the target computer, a replica of the computer system program, **the replica including driver software.”**

Furthermore, claims 2-4 depend upon amended independent claim 1; claims 6 and 7 depend upon amended independent claim 5; claims 9-11 depend upon amended independent claim 8; claims 13 and 14 depend upon amended independent claim 12; claims 16 and 17 depend upon amended independent claim 15; claims 19-20 depend upon amended independent claim 18, and because dependent claims recite all the

limitations of the independent claim, it is believed, for this additional reason, that dependent claims 2-4, 6-7, 9-11, 13-14, 16-17 and 19-20 also recite in allowable form.

Accordingly, in view of the remarks above, in view of the amendments to claims 1, 5, 8, 12, 14, 15, 18 and 20, and because Phillips does not teach, anticipate, or suggest the presently claimed invention, the Applicants believe that the rejection of claims 1-20 under 35 U.S.C. §102(e) has been overcome. The Examiner should withdraw the rejection of these claims.

In view of the foregoing, it is respectfully submitted that the application and the claims are in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

Conclusion

The foregoing is submitted as full and complete response to the Office Action mailed May 1, 2007. It is believed that the application is now in condition for allowance. Allowance of claims 1-20 is respectfully requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless the Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants acknowledge the continuing duty of candor and good faith in the disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment is limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

The present application, after entry of this Response, comprises twenty (20) claims, including six (6) independent claims. The Applicants have previously paid for twenty (20) claims including six (6) independent claims. The Applicants, therefore, believe that a fee for claims amendment is currently not due.

Additionally, a petition for extension of time to file this Response within the first month is hereby requested.

The Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account No. **50-1556**.

Please call the undersigned attorney at (561) 989-9811, should the Examiner believe a telephone interview would help advance prosecution of the application.

Respectfully submitted,

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